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EXAMINER

SCHUBERT, KEVIN R

ART UNIT PAPER NUMBER

2137

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/082,186	<b>Applicant(s)</b> KIMURA, AKIRA	
	<b>Examiner</b> Kevin Schubert	<b>Art Unit</b> 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 35-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 and 35-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Claims 1-24 and 35-46 have been considered.

#### *Title*

5           The Examiner objects to the title for at least two reasons. First, the instant title is "Authentication System and Method, Identification Information Inputting Method and Apparatus **ands** Portable Terminal". The use of "ands" is not grammatically sound. Further, Examiner suggests use of a new title which is pithy and more reflective. Appropriate correction is recommended, but not required.

#### *Specification*

10           The Specification is objected to in accordance with the 112, 1<sup>st</sup> paragraph rejection below.

#### *Claim Objections*

15           Claim 1 is objected to because of the following informalities: the phrase "an encryption key information" is not grammatically sound. Appropriate correction is required.

#### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

20           The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

25           Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, Examiner  
30           does not find disclosure of newly added limitation "wherein said encryption key information is a random

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number made up by a preset number" in the Specification. Appropriate correction or specific reference to where this limitation is disclosed in the Specification is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

5 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 recites the limitation "said transient storage means". There is insufficient antecedent basis for this limitation in the claim.

10

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

15 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty  
20 defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

25 Claims 35 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Tello, U.S. Patent No. 6,584,444.

As per claims 35 and 36, the applicant describes a portable terminal authenticated by an authentication device with the following limitations which are met by Tello:

30 a) first identification information storage means for storing a first identification information for discriminating said portable terminal (Col 2, line 29 to Co 3, line 21; Col 4, lines 39-58);

b) operating means for inputting the second identification information associated with said first identification information (Col 2, line 29 to Col 3, line 21; Col 4, lines 39-58);

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c) communication means for communication with said authentication device (Col 2, line 29 to Co 3, line 21; Col 4, lines 39-58);

d) encrypting means for encrypting the second identification information input by said operating means based on preset encryption key information sent over said communication means from said authentication device (Col 2, line 29 to Co 3, line 21; Col 4, lines 39-58).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

10 (a) A patent may not be obtained though the invention is not identically disclosed or described as  
set forth in section 102 of this title, if the differences between the subject matter sought to be  
patented and the prior art are such that the subject matter as a whole would have been obvious  
15 at the time the invention was made to a person having ordinary skill in the art to which said  
subject matter pertains. Patentability shall not be negated by the manner in which the invention  
was made.

Claims 1-4 and 13-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Tello in view  
of Schneier (Schneier, Bruce. Applied Cryptography. 1996. John Wiley & Sons. Pages 170-178).

20

As per claims 1 and 13, the applicant describes an authentication system with the following  
limitations which are met by Tello in view of Schneier:

a) first identification information storage means having the first identification information pre-  
stored therein for discriminating said portable terminal (Tello: Col 2, line 29 to Co 3, line 21; Col 4, lines  
25 39-58);

b) operating means for inputting a second identification information associated with said first  
identification information (Tello: Col 2, line 29 to Co 3, line 21; Col 4, lines 39-58);

c) encryption means for encrypting the second identification information input by said operating  
means based on an encryption key information (Tello: Col 2, line 29 to Co 3, line 21; Col 4, lines 39-58);

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d) first communication means for communication with said authentication device (Tello: Col 2, line 29 to Co 3, line 21; Col 4, lines 39-58);

e) second identification information storage means for storage of the first identification information and the second identification information (Tello: Col 2, line 29 to Co 3, line 21; Col 4, lines 39-58);

5 f) encryption key information generating means for generating said encryption key information, wherein said encryption key information is a random number made up by a preset number (Schneier: page 173);

g) second communication means for communication with said portable terminal (Tello: Col 2, line 29 to Co 3, line 21; Col 4, lines 39-58);

10 h) comparator authentication means for comparing and authenticating the second identification information encrypted by said encryption means based on said encryption key information (Tello: Col 2, line 29 to Co 3, line 21; Col 4, lines 39-58);

i) said portable terminal encrypts the second identification information input from said operating means, based on said encryption key information received from said authentication device, the so-  
15 encrypted second identification information is transmitted through said first communication means to said authentication device, and wherein, in said authentication device, the encrypted second identification information received through said second communication means and the second identification information stored by said second identification information storage means are compared to each other based on said encryption key information by way of performing the authentication (Tello: Col 2, line 29 to Co 3, line 21;  
20 Col 4, lines 39-58).

Tello discloses all the limitations of the above claim, except for key generating means. Schneier discloses key generation means, such as a random-number generator for key generation. It would have been obvious to one of ordinary skill in the art to combine the ideas of Schneier with Tello because adding means to generate a key increases security for a plurality of reasons, such as allowing for the  
25 dynamic creation and use of new keys.

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As per claims 2-3 and 14-15, the applicant describes the authentication system of claim 1 (etc), which is met by Tello in view of Schneier, with the following limitation which is met by Tello in view of Schneier:

a) decoding means for decoding the second identification information encrypted by said

5 encrypting means based on said encryption key information (Tello: abstract);

b) said authentication device decoding the received encrypted second identification information based on said encryption key information, said authentication device comparing the decoded second identification information to the second identification information stored in said second identification information storage means, by way of performing the authentication (Tello: abstract).

10

As per claims 4 and 16, the applicant describes the authentication system of claims 3 and 15, which are met by Tello in view of Schneier, with the following limitation:

a) said portable terminal is a card-shaped portable terminal issued by said service provider to said service user (Tello: Col 2, line 39 to Col 3, line 21);

15 b) said authentication device being contained in a host computer in which said service provider authenticates usage by said service provider (Tello: Col 2, line 39 to Col 3, line 21);

c) said service user being authenticated by said authentication device authenticating said portable terminal and that said user is a true owner of the portable terminal (Tello: Col 2, line 39 to Col 3, line 21);

20 Neither Tello nor Schneier disclose that the portable terminal is issued to a user. The examiner takes official notice that a portable terminal may be issued to a user. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to issue a portable terminal in a situation such as one where a user is a company employee.

25 Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tello in view of Schneier in further view of Haverinen, U.S. Patent Application Publication No. 2002/0012433.

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As per claims 5 and 17, the applicant describes the authentication system of claims 4 and 16, which are met by Tello in view of Schneier, with the following limitation which is met by Haverinen:

Wherein said first and second communication means are wireless communication means (Haverinen: [0171]).

5 Tello in view of Schneier disclose all the limitations of claims 4 and 16. However, Tello in view of Schneier appear to be silent as to whether the communication is wireless or wired. Haverinen discloses the well-known idea that wireless communication may ensue between computing systems. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Haverinen with those of Tello in view of Schneier because using wireless communication makes the  
10 system more robust and convenient since a user may does not have to depend on wired outlets.

Claims 6-7,9,18-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tello in view of Schneier in further view of Glazner (Glazner, Lon. Storing Data with the RAMPACK B. February 1999).

15

As per claims 6-7,9,18-19, and 21, the applicant describes the authentication system of claim 4 (etc), which is met by Tello in view of Schneier, with the following limitation which is met by Glazner:

Wherein said portable terminal includes transient storage means in which the second identification information is stored transiently (Glazner: page 2);

20 Tello in view of Schneier disclose all the limitations of claim 4 (etc) from which the addressed claims depend. Tello in view of Schneier do not disclose a transient storage means. Glazner discloses the transient storage means of RAM. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Glazner with those of Tello in view of Schneier because RAM is an efficient transient storage means.

25

Claims 10-12,22-24, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tello in view of Schneier in further view of Lillibridge, U.S. Patent No. 6,195,698.



As per claim 46, the applicant describes an authentication system with the following limitations which are met by Tello in view of Schneier in further view of Lillibridge:

a) first identification information storage means having the first identification information pre-  
5 stored therein for discriminating said portable terminal (Lillibridge: Col 3, line 12 to 28, Fig 4; Tello: Col 2, line 39, to Col 3, line 21);

b) operating means including display means for irregularly displaying letters included in a group of letters and selection means for selecting the letters making up the second identification information from among the letters irregularly displayed on said display means, said operating means inputting the second  
10 identification information associated with said first identification information (Lillibridge: Col 3, line 12 to 28, Fig 4; Tello: Col 2, line 39, to Col 3, line 21);

c) first communication means for communication with said authentication device (Tello: Col 2, line 39 to Col 3, line 21);

d) second identification information storage means having the first identification information and  
15 the second identification information stored therein (Lillibridge: Col 3, line 12 to 28, Fig 4; Tello: Col 2, line 39, to Col 3, line 21);

e) encryption key generating information generating means for generating said encryption key generating information (Schneier: page 173);

f) second communication means for communication with said portable terminal (Tello: Col 2, line  
20 39 to Col 3, line 21);

g) comparator authentication means for comparing the second identification information encrypted by said encryption means to said encryption key generating information by way of authentication (Tello: Col 2, line 39 to Col 3, line 21);

h) said portable terminal encrypts the second identification information input from said operating  
25 means, based on said encryption key generating information received from said authentication device through said first communication means, and the so encrypted second identification information is transmitted through said first communication means to said authentication device, and wherein, in said

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authentication device, the encrypted second identification information received through said second communication means and the second identification information stored by said second identification storage means are compared to each other based on said encryption key generating information by way of performing the authentication (Tello: Col 2, line 39 to Col 3, line 21).

5 Tello does not disclose key generating means. Schneier discloses key generation means, such as a random-number generator for key generation. It would have been obvious to one of ordinary skill in the art to combine the ideas of Schneier with Tello because adding means to generate a key increases security for a plurality of reasons, such as allowing for the dynamic creation and use of new keys.

10 Tello in view of Schneier do not disclose irregularly displaying letters in a group of letters and selection means for selecting the letters making up the second identification information from the letters irregularly displayed. Lillibridge discloses this idea. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Lillibridge with those of Tello in view of Schneier because doing so makes the system more secure by making the system less prone to an automated attack.

15

As per claims 10-12 and 22-24, the applicant describes the authentication system of claim 4 (etc), which is met by Tello in view of Schneier, with the following limitation which is met by Lillibridge:

Wherein said operating means in said portable terminal includes a plurality of input units for letters or numerical figures for inputting said second identification information, and wherein the arraying  
20 positions of said letter input units are variable (Lillibridge: Col 3, line 12 to 28, Fig 4).

Claims 1-9,13-21, and 35-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nemirofsky, U.S. Patent No. 5,880,769, in view of Schneier.

25 As per claims 1,13, and 35, the applicant describes a portable terminal with the following limitations which are met by Nemirofsky in view of Schneier:

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a) first identification information storage means having the first identification information for discriminating said portable terminal pre-stored therein (Nemirofsky: Col 4, line 50 to Col 5, line 15);

b) operating means for inputting the second identification information associated with said first identification information (Nemirofsky: Col 4, line 50 to Col 5, line 15);

5 c) communication means for communication with said authentication device (Nemirofsky: Col 4, line 50 to Col 5, line 15);

d) encrypting means for encrypting the second identification information input by said operating means based on preset encryption key generating information sent over said communication means from said authentication device (Nemirofsky: Col 4, line 50 to Col 5, line 15); Schneier: pages 176-177.

10 Nemirofsky does not disclose encrypting based on a preset encryption key received from an authentication device. Schneier discloses that a key may be transferred to an entity in order to establish secure communication. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Schneier with those of Nemirofsky and transfer an encryption key for the purpose of establishing secure communication.

15

As per claims 2-7,9,14-19,21,36-40, and 42, the applicant describes the portable terminal of claim 1 (etc), which is met by Nemirofsky in view of Schneier, with the following limitations which are met by Nemirofsky:

20 Wherein the portable terminal is issued to said service user by a service provider to offer preset services for said service user in a credit sale system, an inter-account instant payment system and E-commerce carried out over a preset network and is in the form of a card (Nemirofsky: Col 4, line 50 to Col 5, line 15).

25 As per claims 8,20, and 41, the applicant describes the portable terminal of claim 4 (etc), which is met by Nemirofsky in view of Schneier, with the following limitation:

Wherein said second identification information stored in said transient storage means is erased every preset time interval;

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Nemirofsky in view of Schneier disclose second identification information stored in transient storage. Nemirofsky in view of Schneier does not disclose erasing the information every preset time interval. The examiner takes official notice that the idea of erasing information every preset time interval is well-known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to erase information every preset time interval in order to free memory space.

Claims 10-12,22-24, and 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nemirofsky in view of Schneier in further view of Lilliberg.

As per claims 10-12,22-24, and 43-46, the applicant describes describes an authentication system with the following limitations which are met by Nemirofsky in view of Schneier in further view of Lillibridge:

a) first identification information storage means having the first identification information pre-stored therein for discriminating said portable terminal (Lillibridge: Col 3, line 12 to 28, Fig 4; Nemirofsky: Col 4, line 50 to Col 5, line 15);

b) operating means including display means for irregularly displaying letters included in a group of letters and selection means for selecting the letters making up the second identification information from among the letters irregularly displayed on said display means, said operating means inputting the second identification information associated with said first identification information (Lillibridge: Col 3, line 12 to 28, Fig 4; Nemirofsky: Col 4, line 50 to Col 5, line 15);

c) first communication means for communication with said authentication device (Nemirofsky: Col 4, line 50 to Col 5, line 15);

d) second identification information storage means having the first identification information and the second identification information stored therein (Lillibridge: Col 3, line 12 to 28, Fig 4; Nemirofsky: Col 4, line 50 to Col 5, line 15);

e) encryption key generating information generating means for generating said encryption key generating information (Schneier: page 173);

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f) second communication means for communication with said portable terminal (Nemirofsky: Col 4, line 50 to Col 5, line 15);

g) comparator authentication means for comparing the second identification information encrypted by said encryption means to said encryption key generating information by way of authentication (Nemirofsky: Col 4, line 50 to Col 5, line 15);

h) said portable terminal encrypts the second identification information input from said operating means, based on said encryption key generating information received from said authentication device through said first communication means, and the so encrypted second identification information is transmitted through said first communication means to said authentication device, and wherein, in said authentication device, the encrypted second identification information received through said second communication means and the second identification information stored by said second identification storage means are compared to each other based on said encryption key generating information by way of performing the authentication (Nemirofsky: Col 4, line 50 to Col 5, line 15; Schneier: pages 176-177).

Nemirofsky does not disclose all the limitations of parts e and h. More specifically, Nemirofsky does not disclose encrypting based on a preset encryption key received from an authentication device. Schneier discloses that a key may be transferred to an entity in order to establish secure communication. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Schneier with those of Nemirofsky and transfer an encryption key for the purpose of establishing secure communication.

Nemirofsky in view of Schneier does not disclose irregularly displaying letters in a group of letters and selection means for selecting the letters making up the second identification information from the letters irregularly displayed. Lillibridge discloses this idea. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Lillibridge with those of Nemirofsky in view of Schneier because doing so makes the system more secure by making the system less prone to an automated attack.

### ***Response to Arguments***

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Applicant's arguments, see Remarks, filed 1/3/06, with respect to the claim objections presented in the previous action of claims 1,4,5,16-17,35 and 38 have been fully considered and are persuasive. The claim objections presented in the previous action have been withdrawn.

5 Applicant's arguments with respect to the 112, second paragraph, rejections presented in the previous action of claims 1-8,10-24, and 46 have been fully considered and are persuasive. The 112, second paragraph, rejections of claims 1-8,10-24, and 46 have been withdrawn.

10 Applicant's arguments with respect to the 112, second paragraph, rejection of claim 9 have been fully considered but they are not persuasive. It appears that the applicant has not rectified the lack of antecedent basis issue presented in the previous action.

15 Applicant's arguments with respect to the 103(a) rejection of claims 1 et al under Tello in view of Schneier have been fully considered but they are not persuasive. Applicant presents the following arguments:

- a) Tello does not teach first identification information that discriminates the portable terminal
- b) Examiner has relied on hindsight

20 Regarding a), applicant argues that Tello does not teach first identification information that discriminates the portable terminal. According to the applicant, "With the invention recited in Applicant's claim 1, the first identification information discriminates the portable device. This means that the user must have the actual portable device, as well as the associated second identification information, to accommodate authentication" (See Remarks, page 2 lines 24-27). It is respectfully submitted that the statement "the first identification information discriminates the portable device" does not mean that the  
25 user must have the actual portable device to accommodate authentication, nor does it mean that the user must also have associated second identification information to accommodate authentication.

Rather, the statement "first identification information discriminates the portable device" means, exactly what it says, that first identification information discriminates the portable device. In the instant case, Tello discloses a system in which a user may enter identification information (user ID, password, etc) into a portable device, such as a laptop computer. The portable device then connects with VPN  
5 service provider software, and a determination is made as to whether the portable terminal is authorized or unauthorized for connection (see, for example, Col 4, lines 39-65). Thus, as is quite clear from the above, Tello discloses first identification information that discriminates the portable device.

Regarding b), in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is  
10 in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

15 Applicant's arguments with respect to the 103(a) rejection of claims 1 et al under Nemirofsky in view of Schneier fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Applicant merely cites his interpretation of Nemirofsky, recites the limitations of the claims, and concludes with an allegation of patentability over  
20 Nemirofsky in view of Schneier (see Remarks, page 4, line 25 to page 5, line 13).

It is respectfully submitted that the rejection of claim 1 under Nemirofsky in view of Schneier presented in the previous action (page 10, line 11 to page 11, line 2) was based on a 103(a) conclusion of obviousness for the combination of Nemirofsky in view of Schneier. Applicant's argument has failed to take into account the teachings of Schneier which have been combined into the Nemirofsky system.  
25 Namely, Examiner has stated that "Nemirofsky does not disclose encrypting based on a preset encryption key received from an authentication device. Schneier discloses that a key may be transferred to an entity in order to secure communication" (page 10, lines 25-27). Further, an interpretation of the

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Nemirofsky reference followed by a recitation of the claims does not point out, specifically, how the language of the claims patentably distinguishes them from the expressed combination of Nemirofsky in view of Schneier. Accordingly, applicant's arguments with respect to the 103(a) rejection of claim 1 et al under Nemirofsky in view of Schneier fail to comply with 37 CFR 1.111(b).

5

Applicant's arguments with respect to the 103(a) rejection of claims 6-7,9,18-19, and 21 under Tello in view of Schneier in further view of Glazner have been fully considered but are not persuasive. Applicant argues that there is no motivation to combine Glazner with Tello in view of Schneier. Tello in view of Schneier disclose storage but appear to be silent as to the type of storage employed. Glazner discloses that transient storage means is an efficient storage means. For example, Glazner discloses that "RAM in general, has one additional advantage of fast access time that makes it attractive to designers" (Glazner: page 2). Accordingly there is motivation, as noted in the previous action, to combine Glazner with Tello in view of Schneier.

10

15

Applicant's arguments with respect to the 103(a) rejection of claims 10-12,22-24, and 46 under Tello in view of Schneier in further view of Lillibridge have been fully considered but are not persuasive. Applicant appears to be arguing, in relation to claim 10, that in the Lillibridge reference the positions of the letter units are not variable. Examiner respectfully disagrees with such an argument. Lillibridge discloses that letter units can be displayed in variable position (see for example the 5 and Z in Fig 4). Furthermore,

20

Lillibridge discloses the following:

25

"In step 330, we must randomize the 'appearance' of the string 321 to obtain a 'morphed' string 331. This can be done using several techniques. For example, each character can be rendered in a different randomly selected font. The spacing between characters can be varied depending on the size of the character, and distance from a baseline to the character. Some of the characters can be rendered close enough together so that they can partially intersect.

30

Each character, as well as the entire string, can randomly be stretched or distorted in any number of ways. The string can follow a random path, e.g., rather than following a strait path, the characters of the string can follow a curved path like the letter W, although care must be taken here to ensure that the string does not loop back on itself. The string can randomly be rotated around a randomly selected point; e.g., the string might be mirror-reversed" (Col 4, line 60 to Col 5, line 8).



Thus as is quite clear, Lillibridge discloses that positions of letter units can be variable.  
Accordingly, the rejection is maintained.

Applicant's arguments with respect to the 103(a) rejection claims 10-12,22-24, and 43-46 under  
5 Nemirofsky in view of Schneier in further view of Lillibridge have been fully considered but are not  
persuasive. Applicant appears to be arguing, in relation to claim 10, that in the Lillibridge reference the  
positions of the letter units are not variable. Examiner respectfully disagrees with such an argument for at  
least the reasons given above in relation to the Lillibridge reference. Further, applicant argues that  
Examiner has relied on hindsight. In response to applicant's argument that the examiner's conclusion of  
10 obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on  
obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it  
takes into account only knowledge which was within the level of ordinary skill at the time the claimed  
invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such  
a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

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Applicant's arguments with respect to the 102(e) rejection of claims 35-36 under Tello have been  
fully considered but are not persuasive. Examiner believes applicant's argument, that Tello does not  
disclose first identification information for discriminating a portable terminal, has been addressed.

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### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office  
action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of  
the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from  
the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date  
of this final action and the advisory action is not mailed until after the end of the THREE-MONTH  
shortened statutory period, then the shortened statutory period will expire on the date the advisory action

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is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should  
5 be directed to Kevin Schubert whose telephone number is (571) 272-4239. The examiner can normally be reached on M-F 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)  
15 at 866-217-9197 (toll-free).

KS

  
**EMMANUEL L. MOISE**  
**SUPERVISORY PATENT EXAMINER**

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